

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hologram on the card must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 15, 18, 20, 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downes et al. (Downes; U.S. 7,004,506) in view of Behm et al. (Behm; U.S. 5,667,250).

In regards to Claims 1 and 23, Downes discloses an identification means 2 (Column 2, Lines 20 – 22), said identification means including a first identification portion (having indicia 14) relating to data of a secure or confidential nature in the form of one or more images, characters and/or text (Column 2, Lines 20 – 44; Figure 2, Items 8, 14).

Downes does not disclose a second identification portion removably located with at least a part of said first identification portion to at least partially mask the first identification portion until said second identification portion has been removed therefrom, said second identification portion also being in the form of one or more images, characters and/or text, and wherein the second identification portion is provided in overlapping relationship with said first identification portion so that the combination of the first and second identification portions forms a further one or more images, characters and/or text different in appearance to said first and second identification portions, the first and second identification portions being undecipherable from the

further one or more images, characters and/or text until the second identification portion has been removed.

Behm discloses of a first identification 20 wherein a second identification 34 and a second identification portion 34 removably located with at least a part of said first identification portion to at least partially mask the first identification portion until said second identification portion has been removed therefrom (Column 3, Lines 26 – 30; Figure 1, Items 20, 34), said second identification portion also being in the form of one or more images, characters and/or text (Column 4, Lines 20 – 23; Figure 2), and wherein the second identification portion is provided in overlapping relationship with said first identification portion (Figure 1, Items 20, 34; clearly they are overlapping) so that the combination of the first and second identification portions forms a further one or more images, characters and/or text different in appearance to said first and second identification portions (Column 3, Lines 26 – 30; Since it is candled it is obvious the second identification will be seen with the first identification and make an overall image and the user will not be able to discern particular images from particular layers), the first and second identification portions being undecipherable from the further one or more images, characters and/or text until the second identification portion has been removed (Column 3, Lines 43 – 49). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the second identification of Behm under the top face of Downes (Column 2, Lines 20 – 22; Figure 1, Item 4 Downes) in order to protect the first identification of Downes (Column 3, Lines 26 – 30, 66 – 67 → Column 4, Lines 1 – 3; Behm).

In regards to Claim 2, as applied to Claim 1, Downes modified by Behm further discloses wherein the second identification portion is formed from an abradable material which is irreversibly removable from the first identification portion (Column 3, Lines 43 – 49; Behm).

In regards to Claim 3, as applied to Claim 1, Downes modified by Behm further discloses wherein the second identification portion is located with a whole or substantial part of said first identification portion (Column 4, Lines 20 – 23, 45 - 48; Figure 1, Item 34 covers the first identification 20; Behm).

In regards to Claim 4, as applied to Claim 1, Downes modified by Behm does not disclose the second identification portion is provided under or below the first identification portion. Behm discloses a similar portion 32 of indicia, similar to that second identification 34, that is below Behm's first identification 20 (Column 3, Lines 26 – 30; Column 4, Lines 20 – 23; Figure 1, Item 32; Figure 2). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the second identification portion (24, 34) of Behm below the first identification of Downes in order to provide an alternate orientation that still prevents candling (Column 3, Lines 26 – 30, 66 – 67 → Column 4, Lines 1 – 3; Behm).

In regards to Claim 5, as applied to Claim 1, Downes modified by Behm further discloses wherein the second identification portion is provided on top of or above the first identification portion (Figure 1, Items 20, 34; Behm).

In regards to Claim 6, as applied to Claim 1, Downes modified by Behm further discloses wherein the second identification portion is different in appearance to the first identification portion (Column 4, Lines 20 – 23; Figure 6).

In regards to Claim 7, as applied to Claim 1, Downes modified by Behm further discloses wherein at least one further removable portion (Column 3, Lines 1 – 5; Figure 1, layer of indicia on top face 4) or coating is applied over at least a part of said first and second identification portions (Column 2, Lines 20 – 22; Column 3, Lines 1 – 5; Figure 1, Item 4; Downes).

In regards to Claim 8, as applied to Claim 7, Downes modified by Behm further discloses wherein the at least one further removable portion or coating is applied to a whole of substantial part of said first and second identification portions (Column 2, Lines 7 – 10; Figure 1; Figure 2; Downes).

In regards to Claim 9, as applied to Claim 7, Downes modified by Behm further discloses wherein the further removable portion includes one or more layers of abradable material (Column 3, Lines 1 – 3; Figure 1, Item 4 is a top face having a coating which has printing on top and therefore is at least one layer; Downes).

In regards to Claim 10, as applied to Claim 7, Downes modified by Behm further discloses wherein at least a third identification portion is provided on the further removable portion (Figure 1, Indicia on face 4; Downes).

In regards to Claim 11, as applied to Claim 10, Downes modified by Behm further discloses wherein the third identification portion is visible to a user viewing the identification means (Column 2, Lines 7 – 8; Figure 1, Indicia; Downes).

In regards to Claim 12, as applied to Claim 10, Downes modified by Behm further discloses wherein the third identification portion relates to or is associated with one or more images, characters and/or text provided on the identification means (Column 2, Lines 20 – 23, 36 – 44; Figure 1, Item “Target”; Figure 2, “Two of a Kind”; The third identification provides a goal and the indicia below provides the goal; Downes).

In regards to Claim 13, as applied to Claim 12, Downes modified by Behm further discloses wherein the one or more images, characters and/or text are separate to and/or independent of said first and/or second identification portions (Figure 1; Figure 2; Downes).

In regards to Claim 14, as applied to Claim 10, Downes modified by Behm further discloses wherein the third identification portion is formed from abradable material (Column 3, Lines 1 – 5; Figure 1; Figure 2; Downes).

In regards to Claim 15, as applied to Claim 1, Downes modified by Behm further discloses wherein the identification means are any of a carrier, telephone card, promotional game, ticket, pin card, label, scratch card, brand protection process or lottery ticket (Column 3, Lines 1 – 3; Figures 1 & 2; Downes).

In regards to Claim 18, as applied to Claim 1, Downes modified by Behm further discloses wherein the first identification portion is printed onto the identification means (Column 2, Lines 20 – 27; Column 3, Lines 1 - 5; Figure 2; Obvious it is printed on the substrate since the other indicia is scratched off and does not remove any other material).

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In regards to Claim 20, as applied to Claim 1, Downes modified by Behm does not explicitly disclose the first identification portion includes a resin containing material (Column 3, Lines 66 – 67, Column 4, lines 4 – 8; Behm – shows that scratch off ink has resin and the indicia it covers is ink), however, it is very well known in the art that ink vehicles comprise various materials including resins (Also please review the provided webpage).

In regards to Claim 22, as applied to Claim 1, Downes modified by Behm discloses that the top layer is scratched off (Column 3, Lines 1 - 5; Downes) and it is very well known in the art that instant lottery tickets use wax in containing materials in their scratch off layers.

In regards to Claim 24, Downes modified by Behm discloses the claimed invention except for the particular speed at which the first and second identification means are applied. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the identifications of Downes modified by Behm at an optimum and fast speed, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Furthermore, Applicant has not stated a criticality of the speed for applying the identifications and the speed at which the identifications are applied does not change the identification means in any way.

2. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downes in view of Behm and Raymond (WO 99/56270).

In regards to Claims 16 and 17, as applied to Claim 1, Downes modified by Behm does not disclose wherein the identification means is provided with attachment means for attaching the same to an article wherein the attachment means includes an adhesive provided thereon.

Raymond discloses of a lottery ticket having a rebondable adhesive (Page 2, Lines 32 – 38 → Page 3, Lines 1 – 16). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the lottery ticket of Downes modified by Behm with an adhesive on one side of the ticket in order to allow for the ticket to be applied to different objects and prevent loss (Page 3, Lines 4 – 14).

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downes in view of Behm and Thompson et al. (Thompson; U.S. 2002/0130511).

In regards to Claim 19, as applied to Claim 1, Downes modified by Behm does not disclose wherein a holographic image is provided on said identification means.

Thompson discloses that it is well known to provide holograms on lottery tickets (Paragraph 0045, Lines 9 – 12). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the lottery ticket of Downes modified by Behm with a hologram in order to maintain the security of the lottery ticket (Paragraph 0045, Lines 11 - 12).

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4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pistro et al. (Pistro; U.S. 5,832,827).

In regards to Claim 21, as applied to Claim 1, Downes modified by Behm does not disclose wherein the second identification portion includes a resin and wax containing material and that the second identification is printed on a release material (Column 3, Lines 29 – 30; Behm).

Pistro discloses of printing on a release with a thermal print ribbon comprised of wax and resin (Column 5, Lines 10 - 17). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to print the second identification of Behm with a thermal print ribbon in order to insure anchorage of the indicia and further allow for the identification to be expanded throughout the line without printing difficulty (Column 5, Lines 15 - 17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRADEEP C. BATTULA whose telephone number is (571)272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C. B./
Examiner, Art Unit 3722
February 15, 2008

/Monica S. Carter/

Supervisory Patent Examiner, Art Unit 3722